

Terms of Reference

Mineral and Energy Resource Assessment of Proposed National Parks in Northern Canada

BACKGROUND

The Mineral and Energy Resource Assessment (MERA) process was established in 1980 as the mechanism for implementing the following federal government policy:

“It is the policy of the Department of Indian Affairs and Northern Development to ensure that an inventory of the non-renewable natural resource potential of areas in the Yukon and Northwest Territories be compiled prior to their formal establishment as new national parks. The fundamental qualities of the area which recommend it for national park status will be taken into account in any land use activities associated with compiling the inventory. Parks Canada will cooperate with other federal agencies responsible for carrying out such inventories.”

Source: National Parks Policy (1979) and National Marine Parks Policy (1986). A similar statement appears in the Parks Canada Guiding Principles and Operational Policies (1994).

The Senior MERA Committee initially comprised the Department of Indian Affairs and Northern Development (DIAND), Parks Canada, and the Department of Energy, Mines and Resources (now Natural Resources Canada). The governments of the Yukon and the Northwest Territories were added in 1987. The Senior MERA Committee is supported by a Working Group.

The purpose of these Terms of Reference is to provide a more definitive statement of the process to be followed to meet government policy, and to reflect current government organizational structures and the social, economic and political context in the Yukon and Northwest Territories.

These Terms of Reference will be made available to the general public, including industry, as part of the consultations which are described below. They will be updated as required.

In this document: “national park” also includes national marine conservation area, national park reserve and an expansion of a national park; “inventory” includes assessment; “public” includes all interested public and private sector parties; and “energy” includes only non-renewable energy.¹

PURPOSES OF MERA

- To ensure that the economic and strategic significance of mineral and energy resource potential is duly considered in the national park establishment process in the Yukon and the Northwest Territories.
- To ensure that, in making recommendations regarding the withdrawal of land for national park purposes, the Minister of DIAND is advised on the balance between the values of the land with respect to park establishment criteria and the potential for the exploration, development and use of mineral and energy resources that may inhere in the land.
- To prepare assessments of the mineral and energy resource potential of areas in the Yukon and Northwest Territories which are being considered for administration by Canada as national parks.

The MERA process is the primary means whereby DIAND, Parks Canada, Natural Resources Canada (NRCan) and the territorial governments cooperate in conducting mineral and energy resource assessments.

SENIOR MERA COMMITTEE

Committee members are:

- Assistant Deputy Minister, Northern Affairs, DIAND (Chair);
- Assistant Deputy Minister, Parks Canada, Canadian Heritage;
- Assistant Deputy Minister, Minerals and Metals Sector, NRCan;

- Assistant Deputy Minister, Geological Survey of Canada, NRCan;
- appropriate representation from Government of the Yukon; and
- appropriate representation from Government of the Northwest Territories.

Committee duties include:

- approving terms of reference, including work plans and budgets, for each MERA project;
- meeting at least annually to review the status of proposed national parks and to provide direction to the MERA Working Group; and
- making recommendations to the Minister of DIAND regarding national park establishment.

MERA WORKING GROUP

Working Group members are officers of:

- Parks Canada, National Capital Region (co-chair);
- Geological Survey of Canada, NRCan (co-chair);
- Mineral Resources Directorate, DIAND, National Capital Region (secretary);
- Resource Planning and Conservation, DIAND;
- Parks Canada, Northern Parks Establishment Office;
- Minerals and Metals Sector, NRCan;
- Energy Sector, NRCan;
- Energy, Mines and Petroleum Resources, Government of the Northwest Territories;
- Economic Development and Tourism, Government of the Northwest Territories;
- Economic Development, Government of the Yukon; and
- additional working level government representation as required.

Working Group duties include:

- providing reports of progress at least annually to the Senior MERA Committee;
- reviewing relevant technical reports and studies;
- identifying issues requiring review/direction by the Senior MERA Committee;
- making recommendations to the Senior MERA Committee regarding national park establishment;
- recording the Senior MERA Committee decisions;
- maintaining and communicating, among the MERA members, up-to-date information on MERA matters;
- advising Parks Canada about the scope, scale and nature of public consultations; and
- meeting at least twice annually to consider relevant information about park proposals in the Territories.

The Geological Survey of Canada (GSC) representative on the MERA Working Group will ensure that the technical work is completed as directed by the Senior MERA Committee.

WHITEHORSE MINING INITIATIVE LEADERSHIP ACCORD

The MERA process, as described in these Terms of Reference, already reflects the spirit and intent of the Whitehorse Mining Initiative (WMI) Leadership Accord signed in September 1994. In northern Canada, the MERA process will contribute to the achievement of the three WMI goals for Protected Areas, which are:

- To create and set aside from industrial development by the year 2000 those protected areas required to achieve representation of Canada's land-based natural regions;
- to use, after establishing where they do not already exist, clear scientifically based criteria for determining both the number of regions and the amount of a region that need to be protected in order to achieve representativeness; and
- to ensure that the selection of protected areas is undertaken consistently across all jurisdictions, including an identification of candidate protected areas by government, based on scientific criteria, followed by consultation with the mining industry and all other stakeholders, and final selection taking into account appropriate economic, environmental and social information.

OUTLINE OF NATIONAL PARK ESTABLISHMENT PROCESS

1. Parks Canada identifies representative Natural Areas of Canadian Significance (NACS) that are characteristic of the region (geology, landforms, cultural features, wildlife, fish, soils, etc.)

2. Parks Canada selects a potential park study area. The area chosen is generally larger than required for national park purposes and will become the study area for MERA.

3a. Parks Canada assesses park feasibility by consulting publicly on an ongoing basis with all interested parties and conducting detailed technical studies on natural and cultural resources and social and economic implications of the park proposal.

MINERAL AND ENERGY RESOURCE ASSESSMENT (MERA) PROCESS AND RELATIONSHIP TO NATIONAL PARK ESTABLISHMENT PROCESS

Parks Canada informs the MERA Working Group that a study of natural areas is under way.

The MERA Working Group provides available information on mineral and energy resource potential to assist Parks Canada in screening alternative representative natural areas.

Parks Canada selects the potential park area based, in part, on screening information provided by the MERA Working Group.

Parks Canada requests that the Senior MERA Committee initiate a formal study of the mineral and energy resource potential of the study area.

The GSC prepares project Terms of Reference (including work plan and budget) for the mineral and energy resource assessment.

The Senior MERA Committee considers the project Terms of Reference prepared by the GSC for the study area and approves them with revisions as required.

Parks Canada informs the public that a MERA study and other technical studies have been initiated for the general area of interest.

Parks Canada documents the natural and cultural resources, and the social and economic implications of the proposed park area and makes reports available to The Senior MERA Committee and the public on request².

The GSC undertakes geoscientific research and publishes the results on Open File³. The stages in the research are:

- Phase I: inventory of existing public and private data;
- Phase II: field and laboratory analyses to create contemporary databases for the study area.

The GSC rates the mineral and energy potential of the area⁴.

The territorial government provides to the Senior MERA Committee a Phase I screening report on the hydro-electric power potential¹ and recommendations respecting Phase II work. The Senior MERA Committee considers the report and decides whether and how to proceed with a Phase II hydro-electric power assessment.

The Minerals and Metals Sector, with the Energy Sector and other members of the Working Group, comment on the economic and strategic values of the area to the territory and Canada.

Parks Canada presents to the Senior MERA Committee a park proposal, which includes a preliminary park boundary based on national park establishment criteria and information from technical studies.

The MERA Working Group presents the MERA technical report and other research, together with recommendations on proposed park boundaries, to the Senior MERA Committee

The Senior MERA Committee considers all relevant information including the impact of the proposed park on existing and potential mining and energy developments on adjacent land and makes recommendations to the Minister of DIAND⁵.

Parks Canada completes interdepartmental and intergovernmental review of all relevant factors with respect to proposed park boundaries for public consultation.

Parks Canada consults with the general public concerning the park proposal. The Senior MERA Committee reviews and recommends the final boundary to the Minister of DIAND^{6,7}.

3b. Parks Canada requests that the Minister of DIAND recommend withdrawal of the lands for national park purposes under the *Territorial Lands Act*.

4. Parks Canada negotiates the Park Establishment Agreement, including final park boundary, with the territorial government and appropriate aboriginal groups.

5. The Minister responsible for Parks Canada requests amendment of the *National Parks Act* to formally establish the area as a national park.

MERA FUNDING

The costs of obtaining data for and preparing MERA technical reports as outlined in each work plan will be shared equally among NRCan, Parks Canada and DIAND according to budgets prepared by the Geological Survey of Canada, recommended by the Working Group, and approved by the Senior MERA Committee. The funds from Parks Canada and DIAND will be transferred to the GSC, which will be responsible for conducting the work.

The territorial government will provide resources for, and conduct the Phase I screening of, potential hydro-electric power sites within the study area. The Senior MERA Committee will review the Phase I screening and proposed terms of reference for Phase II hydro-electric power assessment. Costs for the Phase II hydro-electric power assessment will be apportioned on a case-by-case basis.

MERA PRODUCTS AND REPORTS

Progress reports on mineral and energy resource assessments will be published in the GSC's current research papers. The GSC publishes the technical MERA reports (generally as GSC Open Files), following their approval by internal GSC review and the MERA Working Group. The publication of hydro-electric power assessments and assessments of the strategic values of mineral, energy and hydro-electric power potential will be determined by the Senior MERA Committee on a case-by-case basis.

PUBLIC INVOLVEMENT AND CONSULTATIONS

The public, including industry, will be involved in the establishment of new national parks; the nature, scale and type of public involvement will vary depending on the origin and location of the park proposal, the status of the land being assessed and other factors. These provisions respecting public involvement of the mining industry and other stakeholders are in keeping with the principles and goals on open decision-making included in the WMI and in the Parks Canada policy on public consultation.

All public consultation activities associated with new park establishment and land claims negotiations that involve park boundary adjustments or park establishment should recognize and acknowledge the role of the MERA process in park establishment.

Where feasible, the author(s) of the MERA technical report will participate in public or special purpose meetings held to discuss the proposed national park to explain the MERA ratings and their implications.

ENDNOTES

1. Hydro-electric power assessments may be conducted on a case-by-case basis.
2. Various technical reports may not be comparable with respect to quality and quantity of information and assessment. This is due to factors such as size of study area, quality and availability of baseline information, differential funding levels, inherently incomparable resource characteristics (abiotic vs. biotic), etc.
3. Technical information should be available for public review three months before Parks Canada announces proposed park boundaries.
4. The GSC interprets the research data using current resource analogues, and rates the resources using a qualitative logarithmic scale from 1 (rarest and highest) to 7 (most common and lowest).
5. Recommendations by the Senior MERA Committee to the Minister of DIAND about a boundary proposal follow critical scientific review of the technical MERA report, both within government and externally by scientists and the general public.
6. The Senior MERA Committee may consider, on a case-by-case basis, a recommendation for a time-limited land withdrawal, not normally exceeding five years, pending the completion of the MERA technical report and other research, and pending the recommendation of the Senior MERA Committee on the final boundary to the Minister of DIAND.
7. It is DIAND policy that the Minister of DIAND will need to be assured that the relevant Aboriginal organization and the appropriate territorial government are in agreement with the interim land withdrawal before the Minister will recommend a withdrawal order.